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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/489,846      | 01/24/2000  | Hideya Takeo         | Q56532              | 6337             |

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[REDACTED] EXAMINER

MILLER, RYAN J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2621     | 5            |

DATE MAILED: 10/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                            |                     |
|------------------------------|----------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b>     | <b>Applicant(s)</b> |
|                              | 09/489,846                 | TAKEO, HIDEYA       |
|                              | Examiner<br>Ryan J. Miller | Art Unit<br>2621    |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 January 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.

- 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

**DETAILED ACTION***Drawings*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "P2", "P3", and "P4" in Fig. 2B. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

*Specification*

35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms and sentences that are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms and sentences used in the specification are: 1) a variety of long, run-on sentences, such as the following sentence found on pages 4 and 5 of the specification: "This abnormal pattern detection processing system comprises image selector means which selects, among the items of image information which are inputted from an image input device equivalent to the above-mentioned image forming modality, being provided with supplementary information which allows identification of the type of subject and the patient, the image information concerning a particular type of subject which is to be an object of abnormal pattern detection processing by the abnormal pattern detection processor means, and outputs it, and input monitor means which, when an item of image information concerning a subject which is to be an object of abnormal pattern detection processing is inputted from the image selector means, monitors that all the

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other items of image information concerning the same subject for the same patient which are to provide a set with the item of image information concerning the subject which is to be an object are inputted from the image selector means, and, when having detected that all the items of image information have been inputted, causes collective inputting of all these items of abnormal pattern detection processing object image information concerning the same subject for the same patient to the abnormal pattern detection processor means.” 2) The word etc. is overused as well as improperly used by making sentences difficult to understand. An example can be found on page 21, lines 8-13. 3) Explanations of difficult to understand phrases are provided on pages 10-12; however, these explanations contain long, obscure sentences and phrases that are virtually unintelligible. The phrases used ought to be clear on their own without requiring wordy definitions that are themselves vague and obscure.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 5 and 7 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 5 and 7 are single means claims, i.e., a means recitation does not appear in combination with another recited element of means. See MPEP § 2164.08(a).

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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2. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. All of the claims contain virtually unintelligible language as well as poor structure.

For example:

In claims 1 and 3, a method is claimed; however, no method steps are clearly recited in the claims.

In claims 1 and 5, the line "the result of said detection processing is related to a corrected result after correcting the result" contains circular language. The examiner acknowledges the explanation for this phrase given on page 11; however, the explanation itself is unintelligible. It does not aid in the understanding of the claim limitation.

Claims 2, 4, 6, and 8 recite the limitation "said stored plurality of results" on page 40, line 12, page 41, line 1, page 41, line 14, and page 42, line 3 respectively. There is insufficient antecedent basis for this limitation in the claim.

In claim 2, the line "quantitative evaluation of the performance of said detection processing is performed" contains circular and confusing language. Similar language is written in claim 4, lines 25-26, claim 6, lines 12-14, and claim 8, lines 1-3. The examiner acknowledges the explanation for these phrases given on page 11; however, the explanation for the phrase is not adequate to aid in the understanding of the statement.

In claims 3 and 7, the line "the result of pattern reading assessment which has been obtained by pattern reading assessment" contains circular and confusing language and it is without any clear meaning.

In claims 5 and 7, the stated memory means performs functions that are clearly not memory functions. For example, a memory does not normally relate the result to the corrected result after correcting the result. These functions are not standard functions of a memory means in the art, nor do the functions convey any clear meaning.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Evans, U.S. Patent No. 5,924,074. As applied to the claims, Evans describes an electronic medical records system. This system is used to aid in a physician's detection of any abnormalities (i.e. abnormal patterns) in a patient (see Fig. 2 and column 2, lines 1-4). This information can then be stored in a patient's electronic file and retrieved at anytime. Furthermore, the physician can view and make comments on (i.e. pathological assessment) different images, such as x-rays or CAT scans,

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to determine whether abnormalities exist (see Fig. 8 and column 7, lines 33-40). All of this information is then stored in a patient's electronic file.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gilhuijs et al., United States Patent No. 6,317,617 B1, describes a method of detecting and analyzing lesions in magnetic resonance images.

Nakajima, U.S. Patent No. 5,583,346, describes a method of detecting abnormal patterns in x-ray images.

Giger et al., U.S. Patent No. 5,133,020, describes a method for automated analysis of abnormalities in the form of lesions in digital medical images.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan J. Miller whose telephone number is (703) 306-4142. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau can be reached on (703) 305-4706. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



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Examiner  
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